The reasons upon which the conclusion is based should be given." (*MPEP § 816*).

First, the Restriction Requirement improperly asserts that the inventions of Groups I and II "do not overlap in scope." The following shows that Claim 9 (Group I) and Claim 15 (Group II) are very closely related and do actually overlap in scope.

Claim 9	Claim 15
A method, comprising:	A computer program embodied on a computer readable medium and operable to be executed by a processor, the computer program comprising computer readable program code for:
receiving a process variable signal associated with operation of a valve;	receiving a process variable signal associated with operation of a valve;
filtering the process variable signal to produce a filtered process variable signal using a cushion filter, the cushion filter implementing a cushion in a bias used by the cushion filter; and	filtering the process variable signal to produce a filtered process variable signal using a cushion filter, the cushion filter implementing a cushion in a bias used by the cushion filter; and
generating an output signal for adjusting the valve based at least partially on the filtered process variable signal.	generating an output signal for adjusting the valve based at least partially on the filtered process variable signal.

As shown here, Claims 9 and 15 contain the <u>exact</u> same recitations and differ only in their preambles. As a result, Claims 9 and 15 do clearly overlap in their scope.

Second, the Restriction Requirement states that the inventions of Groups I and II are related as "subcombinations disclosed as usable together in a single combination." It is entirely unclear how or why the Restriction Requirement views the inventions of Groups I and II as "subcombinations" that are "usable together in a single combination." The MPEP states that a "combination is an organization of which a subcombination ... is a part." (*MPEP § 806.05(a)*). It is unclear how, for example, the method of Claim 9 and the computer program of Claim 15 represent different

"subcombinations" or parts of a single "combination."

For these reasons, the Restriction Requirement is improper. Accordingly, the Applicant respectfully requests that the Restriction Requirement be withdrawn and that all pending claims be examined.

SUMMARY

If any issue arises, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com.*

The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: *March 20, 2006*

William A. Munck
Registration No. 39,308

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *wmunck@davismunck.com*